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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/660,948

09/12/2003

Jesse Meyer

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7015

34014 7590 07/22/2010

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EXAMINER

GOLOBOY, JAMES C

ART UNIT

PAPER NUMBER

1797

MAIL DATE

DELIVERY MODE

07/22/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/660,948	Applicant(s) MEYER ET AL.	
	Examiner JAMES GOLOBOY	Art Unit 1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 11 May 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The rejections set forth in the office action mailed 12/18/09 are maintained below.

Claim Rejections - 35 USC § 103

2. Claims 1-22 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hutchings in view of Harrison and Nicolet.

The rejection is adequately set forth in paragraph 2 of the office action mailed 12/18/09, which is incorporated here by reference.

3. Claims 23 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hutchings in view of Harrison and Nicolet as applied to claims 1-22 and 24-26, and further in view of Gragson.

The rejection is adequately set forth in paragraph 3 of the office action mailed 12/18/09, which is incorporated here by reference.

Response to Arguments

4. Applicant's arguments filed 5/11/10 have been fully considered but they are not persuasive. Applicant argues that the examiner has failed to ascertain the differences between the prior art and the claims at issue. However, the differences are clearly stated in paragraphs 8-9 of the office action mailed 2/2/07. Applicant does not specifically dispute any of these differences.

Applicant argues that "there is no teaching or suggestion...that the stabilization of a polyalkenyl sulfonic acid by neutralization decreases the degradation reactions of the polyalkenyl sulfonic acid". Nonetheless, Hutchings does teach a neutralization step. Applicant states that the data in the specification demonstrates the advantages of the neutralization step, and that Harrison is silent regarding the problem of degradation reactions. This hints at unexpected results, but the examples clearly are not commensurate in scope with the claims as they use specific polyalkelynes, specific neutralizing agents, and specific reaction conditions.

Applicant argues that that the current claims are directed towards undesired side reactions rather than impurities. However, Nicolet still leads one of ordinary skill in the art to perform the neutralization reaction as quickly as possible. It is not clear how applicant's argument is meant to distinguish the claims over the references of record.

Applications argues, in relation to claims 24-26, that Hutchings only teaches the overbasing of petroleum sulfonic acids rather than polyalkenyl sulfonic acids. However, Hutchings, Nicolet, and Harrison, as discussed in the rejections, disclose the claimed polyalkenyl sulfonic acids; one of ordinary skill in the art would have a reasonable expectation of success in applying the simple overbasing procedure of Hutchings to such a sulfonic acid. Applicant states that one of ordinary skill the art would not have combined Harrison and Nicolet with Hutchings because they are not directed to the same types of sulfonic acids. The motivation for using the polyalkenyl sulfonates of Harrison is discussed in paragraph 8 of the office action mailed 2/2/07; applicant does not address this motivation.

In light of the above, the rejections set forth in the previous office action are maintained.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES GOLOBOY whose telephone number is (571)272-2476. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on 571-272-1444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1797

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JCG/

/Glenn A Caldarola/
Supervisory Patent Examiner, Art
Unit 1797